

Plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action on August 22, 2006. That same date, the Court notified plaintiff in writing that the action was deficient due to his failure to pay the requisite filing fee or, instead, submit a completed court-approved in forma pauperis ("IFP") application. Specifically, plaintiff was informed that he had failed to include the required trust account statement showing transactions for the preceding six months and a certificate of funds form signed by an institution official. In said notice, plaintiff was advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, including the trust account statement and the signed certificate of funds form, within thirty days, would result in dismissal of the action. Along with said notice, plaintiff was sent a copy of the Court's IFP application, instructions for completing it, and a return envelope. To date, plaintiff has neither paid the

1 filing fee nor submitted a completed IFP application.¹

2 As more than thirty days have passed since the deficiency notice and plaintiff has not
3 completed the IFP application or paid the filing fee, the above-titled action is hereby
4 DISMISSED without prejudice.²

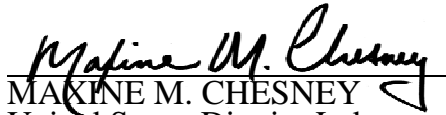
5 The incomplete application to proceed IFP is DENIED. In light of the dismissal of
6 this action, the request for appointment of counsel is DENIED as well.

7 This order terminates Docket Nos. 2 and 5.

8 The Clerk shall close the file.

9 IT IS SO ORDERED.

10 DATED: November 2, 2006

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12 MAKINE M. CHESNEY
13 United States District Judge
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24 ¹On October 11, 2006, plaintiff filed a trust account statement in a separate case, In re.
25 Evans, No. C 06-6377 MMC (PR). Even if plaintiff intended that such statement for filing
26 herein, the IFP application is deficient because plaintiff never filed the requisite certificate of funds.

27 ²The Court notes that the allegations, relief sought, and defendants in the complaint
28 herein are duplicative of those in the complaint in another case plaintiff filed on the same date as the instant case, Evans v. California Parole Community Services Division, No. C 06-5070 MMC (PR).